

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JENNIFER BARTHOLOMEW,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No.
	§	
H&P CAPITAL, INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

JENNIFER BARTHOLOMEW (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against H&P CAPITAL, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

## **PARTIES**

6. Plaintiff is a natural person residing in Cypress, Harris County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company and conducts business in Texas.

## **FACTUAL ALLEGATIONS**

10. Defendant places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Defendant threatened to send someone to Plaintiff's house to take everything Plaintiff had.
12. Defendant failed to identify itself as a debt collector to Plaintiff.
13. Defendant told Plaintiff that Plaintiff had provided a fraudulent 'VIN#'.
14. Defendant told Plaintiff that Plaintiff was going to be in a lot of trouble.
15. Defendant laughed at Plaintiff.

## **COUNT I**

### **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.
  - b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without disclosing his/her identity.
  - c. Defendant violated §1692e of the FDCPA by false, deceptive, or misleading

representation or means in connection with the debt collection.

- d. Defendant violated §1692e(4) of the FDCPA by stating that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment.
- e. Defendant violated §1692e(7) of the FDCPA by representing that consumer committed any crime or other conduct in order to disgrace the consumer.
- f. Defendant violated §1692e(10) of the FDCPA by any false representation or deceptive means to collect a debt or obtain information about a consumer.
- g. Defendant violated §1692e(11) of the FDCPA by failing to state in subsequent communications that the call was from a debt collector.

WHEREFORE, Plaintiff, JENNIFER BARTHOLOMEW, respectfully requests judgment be entered against Defendant, H&P CAPITAL, INC., for the following:

- 17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
- 19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

/s/ Michael Agruss  
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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JENNIFER BARTHOLOMEW, demands a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS

Plaintiff, JENNIFER BARTHOLOMEW, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JENNIFER BARTHOLOMEW, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Date

  
JENNIFER BARTHOLOMEW